

ORIGINAL LETTERS

AND

DOCUMENTS

RELATING TO THE

HISTORY OF PENNSYLVANIA,

HITHERTO UNPUBLISHED.

(205)

I. ORIGINAL LETTERS, ETC.

[THE following letters are now first published from the originals, in the handwriting of the illustrious Founder. The first three were addressed by him to an ancestor of the President of this Society, and were found among the papers of that ancestor. The earliest in date is interesting, as it exhibits the modesty of William Penn in his opposition to the name proposed to be bestowed on the province, and in his ascribing the appellation entirely to the merits of his father, without arrogating anything to himself. The second is no less creditable to the writer, since it shows the liberal principles of government which he entertained from the outset, but which, on account of the well-known sentiments of Charles II. and the Duke of York, he deemed unfit for the atmosphere of a despotic and profligate court. "For the matters of liberty and privilege," says this upright lawgiver, "I purpose that which is extraordinary, and to leave myself and successors no power of doing mischief; *that the will of one man may not hinder the good of an whole country*: but to publish those things now and here, as matters stand, would

not be wise," &c. In the third letter an important and hitherto unnoticed fact is mentioned, viz., his refusal of a sum,—considerable at that time, and which to most persons would have appeared of sufficient amount,—for a certain number of shares in the province, with the exclusive privilege to the company of the Indian trade; and if we are to understand by his expressions in the latter part of his letter, that his refusal of the offer was dictated by a desire to establish in Pennsylvania a model of free government, and honorable dealing with the Indians, "that an example and standard may be set up to the nations," we may see in it new evidence of his claims to the most profound gratitude and respect.

The remaining letters are of much later date, and shed light upon an obscure part of his history. The latest in the series is valuable from the circumstances of its having been, probably, the last letter written by him to America, since it appears, from his memoirs, that in the month of May, 1712, he was attacked by an apoplectic fit, and shortly afterwards by a second, which disabled him from correspondence.]

1. TO ROBERT TURNER.

5th of 1st mo., 1681.

DEAR FRIEND:

My true love in the Lord salutes thee, and dear friends that love the Lord's precious truth in those parts. Thine I have, and for my business here, know that after many

waitings, watchings, solicitings, and disputes in Council, this day my country was confirmed to me under the Great Seal of England, with large powers and privileges, by the name of *Pennsylvania*, a name the king would have given it in honor of my father. I chose *New Wales*, being as this, a pretty hilly country, but *Penn* being Welsh for a head, as *Penmanmoire* in Wales, and *Penrith* in Cumberland, and *Penn* in Buckinghamshire, the highest land in England, called this *Pennsylvania*, which is the high or head woodlands; for I proposed, when the Secretary,—a Welshman,—refused to have it called New Wales, *Sylvania*, and they added *Penn* to it; and though I much opposed it, and went to the king to have it struck out and altered, he said 'twas past, and would take it upon him; nor could twenty guineas move the under-secretarys to vary the name, for I feared least it should be lookt on as a vanity in me, and not as a respect in the king, as it truly was, to my father, whom he often mentions with praise. Thou mayst communicate my graunt to friends, and expect shortly my proposals: 'tis a clear and just thing, and my God, that has given it me through many difficultys, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it will be well laid at first: no more now, but dear love in the truth.

Thy true friend,

W. PENN.

2. TO THE SAME AND OTHERS.

Westminster, 12th of 2d mo., 1681.

DEAR R. TURNER, ANT. SHARP, AND R. ROBERTS :

My love salutes you in the abiding truth of our God, that is precious in all lands ; the Lord God of righteousness keep us in it, and then shall we be the dayly witnesses of the comforts and refreshments that come from it, to his praise, that is the fountain of all good. Having published a paper with relation to my province in America (at least what I thought it adviseable to publish), I here inclose one, that you may know and inform others of it. I have been these thirteen years the servant of truth and Friends ; and for my testimony sake lost much, not only the greatness and preferments of this world, but £16,000 of my estate, that had I not been what I am I had long agoe obtained ; but I murmur not ; the Lord is good to me, and the interest his truth has given me with his people may more than repaire it : For many are drawn forth to be concerned with me, and perhaps this way of satisfaction has more of the hand of God in it than a downright payment : this I can say, that I had an opening of joy, as to these parts, in the year 1661, at Oxford, twenty years since ; and as my understanding and inclinations have been much directed to observe and reprove mischiefs in governments, so it is now put in my power to settle one. For the matters of liberty and privilege, I purpose that which is extraordinary, and to leave myself

and successors no power of doing mischief; that the will of one man may not hinder the good of an whole country; but to publish those things now and here, as matters stand, would not be wise, and I was advised to reserve that till I came there. Your ancient love to me, makes me believe you will have a brotherly eye to my honest concern; and what truth makes you free to do you will, and more I expect not: 'tis a clear, unintangled, and, I may say, honourable bottom, no more; but let Friends know it, as you are free. With my dear love in that which no waters can quench, nor time make wax old, nor distance wear out.

Your friend brother,

WM. PENN.

The inclosed was first read to Traders, Planters, and Shipmasters, that know those parts, and finally to the most eminent of Friends hereaway, and so comes forth. I have foreborne paint and allurements, and writt truth.

W. P.

There are several inhabitants on the place already able to yield accommodation to such as at first go; and care is taken already for to look out a convenient tract of land for a first settlement.

Directed—"For Robert Turner,
At his house in Dublin."

Endorsed—"William Penn, his advise about his country Pennsylvania—came with the printed Booke—

"And how he is persuaded of it—and his inclination thereto longe past."

3. TO ROBERT TURNER.

25th 6th mo., 1681.

DEAR FRIEND,

My endeared love in the truth of God, that is sweet and patient, long suffering, and believes and hopes to the end, salutes thee and thy family, with faithful friends in those parts. Thy remembrance by severall notes, through the hands of J. Hall, I tenderly received; and though I ordered P. Ford to answer thy said letters, and send the things by thee desired, and writt and sent maps and accounts too, by Friend Thomas Lurting, I thought good to send thee a few lines. I have lately been in the west of England, and had a prosperous journey in the Lord's service. At my returne found thyne to me. The most materiall is about the quit-rent, &c.: Philip will be large to thee upon it. I am contented to sell it to a Beaver Skin, which is about a crown value, at ten years purchase. I did refuse a great temptation last second day, which was six thousand pounds, and pay the Indians for six shares, and make the purchasers a company, to have wholly to itself the Indian trade from south to north, between the *Susquahanagh* and *Delaware* rivers, paying me two and a half per cent. acknowledgment or rent: but as the Lord gave it me over all and great opposition, and that I never had my mind so exercised to the Lord about my outward substance, I would not abuse his love, nor act unworthy of his providence, and so defile what came to me clean. No, lett the Lord guide me by his wisdom, and preserve

me to honor his name, and serve his truth and people, that an example and standard may be set up to the nations: there may be room there though none here. So dr. Robert take no notice of this. Thomas Lurting may guess the man: he knows him and spoke of him to me the last man upon the staires-head when he left me. No more at present, but that I am in the love of the Lord,

Thy true friend,

WM. PENN.

Directed —“For Robert Turner,
Merchant in Dublin in Ireland.”

Endorsed —“Wm. Penn adviseth that books or printed proposals, with maps, is sent by Thomas Lurtin; about Pensilvania; and that the quit-rent may be taken off at ten years purchase, paying yearly in a beaver skin, &c., also that he was offered six thousand pounds for six shares.”

“Thomas Lurtin says Samuel Groom spoke to Wm. Penn for the land, at the request of Thurston in Maryland.”

4. TO JAMES LOGAN.

London, 27th 3d mo., 1708.

LOVING FRIEND,

I shall have two oportunitys more, so only tell thee that Isaac Norris has two letters for thee. This is to cover some papers to thee to be used as occasion requires; two of them being two ways of stating my case against

the Fords; one an order of Council, though the originall must be there, directing the way of divideing the two provinces in King James's time, he striveing, I hope in vaine, to alter it. The last my case (or the Duke's rather) against Lord Baltimore, that will direct plainly how to understand my case and title. I had a letter from the Governor, the first in about a yeare; one from G. Owen, and one from T. Fairman, with one to P. Ford, open in mine. So far not amiss. But not one yet from thee. T. Gray inclosed them from Sheels by New Castle (where he lyes sick) to his uncle, Charles Wright, my old acquaintance; perhaps he keeps thy packet for my own hand from his. Remember the mines which the governor makes yet a secret, even to thee and all the world, but himself and Michell: pray penetrate that matter, and lett us see the oare in as large a quantity as thou canst. This comes to thee by E. Jackson, and I hope an honest man, that may tell thee more. The Fords* insist upon eight, now friends are come up to seven thousand pounds; 'tis like to be, I hope, compromised. We are all well through the Lord's mercy, and salute thee; friends here to-night from Bristol, P. Moore, &c. Be penetrating and brisk, and tell friends of Jersey, that the Lords Commis-

* These were the executors of one Ford, his steward, who by acts of "fraud and treachery," (to use the words of James Logan) involved him in great pecuniary troubles, which clouded the latter years of his life. "He trusted (says Oldmixon, in his account of the British Empire) an ungrateful agent too much with the management of the Province; and when he expected to have been thousands of pounds the better for it, found himself thousands of pounds in debt," &c.

sioners for trade, &c., sent me a letter about Rivell, Leeds, &c., if fit for their Council, and at New York, which I have answered to-day, I hope, to their content. 'Tis late, so I shall close, with dr. love to S. Carpenter, C. Pewsey, Gr. Owen, Rd. Hill, T. Story, R. Ellis, &c., who am

Thy real frd,

WM. PENN.

Col. Rooth since my last has paid me twenty pounds.

5. TO THE SAME.

Reding, 27th 12th mo., 1708-9.

LOVING FRIEND:

Though I have writt many ways, and I think most amply, and especially by Col. Gookin and Thomas Potts, yet haveing received thine of 7ber last, which is the last, I thought fit to let thee know that Michel has been with me, is a little clowdy, and would tell me what is good out of our province, and dubious of the vallue of what is within it, as yet; but promises faire. T. Grey as yet cannot make himself master of the papers thou hast twice writt about, comeing by N. Castle-upon-Tyne, sick, his chest in disorder still, but is positive that one sort of the papers thou hast every individual of them. I'll mind him of it again. But Col. Evans and his company of Indians, both T. G. and Michell declare can make 100 pounds, if not 2 or 3 pr. diem neat. Unhappy for me has that falling out been between you. But end it the

best it may be. He writes of coming over, but let him be honourable there, or he may repent it here. He is a Silliton if he stir and does not pursue may last offer and advice by Col. Gookin. I heare Ld. Lovelace is well arrived, I hope so is your Governor* too: make the most of him to friends and service. He had hints enough to follow theirs and thine, and was let into every secret of your affairs that occurred to me at his going. Give him measures of persons and things. He writes well, is a good mathematician, and I have desired him to keep a diary for his security, or at least prudent discharge.

Now these five things thou hast to balance against the turbulent and ungrateful:

1. That I keep my government.
2. I have sent a new lieutenant or deputy.
3. That I have recovered the province from the vilest of the earth,† and that danger over.
4. That I have sent the school charter.
5. That Ld. Baltimore laying hold of his province's address for settling our boundaries, petitioned the Queen, in order to it, to dismiss or repeale the order of Council in her father's time, and only run the line and leave the Lower Countys to him as his by his grant, which he got referred to the Lords for trade, &c. I appeared to them, told them they could not be proper judges, or shake a definitive order or sentence of King and Council, com-

* Charles Gookin, Esq., appointed Governor by William Penn, a few months previously.

† Probably the Fords.

plained to Ld. President Sommers and Ld. Sunderland, Secretary of State: They agreed with me, excused the inadvertency of the reference and concurred with me to petition the Queen, which I have done, setting forth the case, and the long quiet possession upon that determination, and praying to have so ill a precedent to American settlements prevented, and his petition dismissed; and so it was in high council. * * * * * *

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[The rest of this letter is unfortunately missing.]

6. TO SAMUEL CARPENTER AND OTHERS.

Ruscomb Berks, 24 5th mo., 1712.

DEARE AND WORTHY FRIENDS:

Haveing so faire an opertunity, and having heard from you by the Bearer, John French, I chuse, by him, to salute you and yours, and all unnamed friends that you think worthy: for my heart loves such and heartily salutes them and theirs, and prays for your preservation in the Lord's everlasting truth to the end of time; and the way of it is, to take the Lord along with you in all your enterprises to give you right sight, true counsil, and a just temper or moderation in all things, you knowing right well the Lord our God is neer at hand. Now know, that tho I have not actually sold my Governmt. to our truly Good Queen, yet her able Ld. treasurer and I have agreed

it; and that affaire of the Prizes, the Bearer came hither abt. is part of ye Queen's payment, viz., her one-third; and the other comes very oportunely, that belongs to me, which I hope J. Logan will take care of, in the utmost farthing, and remit it to me first, to whom, I suppose, orders will goe by this oportunity from ye treasury to yt effect. But I have taken effectuall care, yt all ye Laws and priviledges I have graunted to you, shall be observed by the Queen's Governors, &c.: and that we who are friends shall be in a more particular manner regarded and treated by ye Queen. So that you will not, I hope and believe, have a less interest in the govermt., being humble and discreet in our conduct, and you will finde all the charters and Proprietary Govermts. annexed to the Crown by act of Parliament next winter; and perhaps Col. Quarry, if not J. Moore, may happen to be otherwise employed, notwithstanding the politick opinion of one of my officers in that Governmt. that is still for gaining them which I almost think impossible. But be that as it will, I purpose to see you if God give me life this fall, but I grow ould and infirme, yet would Gladly see you once more before I dye, and my young sons and daughter also, settled upon good Tracts of Land, for them and theirs' after them, to clear and settle upon, as Jacob's sons did. I close when I tell you that I desire fervent prayers to the Lord for continuing my life, that I may see pennsylvania once more, before I die, and that I am

your ffaithful Loving
friend,

WM. PENN.

Superscription.

For my De. friends,

S. Carpenter, Ed. Shippen, Ried. Hill, J. Norris, C. Peusy, S. Preston, T. Story, Gr. Owen, &c., at Philadelphia in Pennsylvania.

Pr. J. French.

II. THE WILL OF WILLIAM PENN WITH THE CODICILS,
TOGETHER WITH THE OPINION OF COUNSEL THEREON.

[These papers, with the subjoined letters of Wiliam Penn, Junr., and of Simon Clement to James Logan, are printed from an old MS. in the possession of T. I. Wharton, Esq., said to be "taken from a copy belonging to the Assembly."]

I, WILLIAM PENN, Esquire, so called, Chief Proprietary and Governor of the province of Pennsylvania, and the territories thereunto belonging, being of sound mind and understanding, for which I bless God, do make and ordain this my last will and testament. My eldest son being well provided for by a settlement of his mother's, and my father's estate, I give and dispose of the rest of my estate in manner following. The government of the province of Pennsylvania and territories thereunto belonging, and all powers relating thereunto, I give and devise to the most honorable the Earl of Oxford, and Earl Mortimer, and to Will., Earl Pawlet, so called, and their heirs, upon trust to dispose thereof to the Queen or any other person to the best advantage and profit they can, to be applied in such manner as I shall hereinafter direct.

I give and devise to my dear wife, Hannah Penn, and her father, Thomas Callowhill, and to my good friends, Margaret Lowther my dear sister, and to Gilbert Heathcott, Physition, Samuel Waldenfield, John Field, Henry Goldney, all living in England, and to my friends, Samuel Carpenter, Richard Hill, Isaac Norris, Saámuel Preston, and James Logan, living in or near Pennsylvania, and their heirs, all my lands, tenements, and hereditaments whatsoever, rents and other profits situate, lying and being in Pennsylvania, and the territories thereunto belonging or elsewhere in America, upon trust that they shall sell and dispose of so much thereof as shall be sufficient to pay all my just debts, and from and after payment thereof, shall convey unto each of the three children of my son William Penn, Gulielma Maria, Springet, and William respectively, and to their respective heirs, ten thousand acres of land in some proper and beneficial places to be set out by my trustees aforesaid.

All the rest of my lands and hereditaments, whatsoever situate lying and being in America, I will that my trustees shall convey to and amongst my children, which I have by my present wife, in such proportions, and for such estates as my said wife shall think fit. But before such conveyances shall be made to my said children, I will that my said trustees shall convey to my daughter *Aubry*, whom I omitted to name before, ten thousand acres of my said lands in such places as my said trustees shall think fit.

All my personal estate in Pennsylvania and elsewhere, and arrears of rent due there, I give to my said dear wife

(whom I make my sole executrix), for the equal benefit of her and her children.

In testimony whereof I have set my hand and seal, to this my will, which I declare to be my last will, revoking all others formerly made by me

WM. PENN.

* SEAL. *

Signed, sealed, and published by the testator, William Penn, in the presence of us who set our names as witnesses thereof in the presence of the said testator after the interlineation of the words above, vizt. (*whom I make my sole Executrix*), Robert West, Sarah West, Susanna Reading, Thomas Pyle, Robert Lomax.

This will I made when ill of a fever at London, with a clear understanding of what I did then. But because of some unworthy expressions belying God's goodness to me as if I knew not what I did, I do now, that I am recovered through God's goodness, hereby declare it is my last will and testament, at Ruscomb in Berkshire this 27th of the 3d mo. called May, 1712.

WM. PENN.

Witnesses present, Elizabeth Penn, Thomas Pyle, Thomas Penn, Elizabeth Anderson, Mary Chandler, Jonah Dee, Mary Dee.

Postscript in my own hand — As a further testimony of my love to my dear wife, I of my own mind give unto her out of the rents of America, vizt., Pennsylvania, &c., three hundred pounds a year for her natural life, and for

her care and charge over my children, in their education of which she knows my mind, as also that I desire they may settle at least in good part in America, where I leave them so good an interest to be for their inheritance from generation to generation, which the Lord preserve and prosper. Amen.

WM. PENN.*

[Here follows the Probate made 3d November, 1718.]

* The following is copied by me from an original will of Penn, in the possession of the family of the late Mr. William Logan Fisher, of Germantown.

It is a holograph, and consists of seven folio pages, each of which is signed at the foot by the testator.

This is probably the will to which Logan refers in the accompanying letter, and which was made as Penn was about to sail for England, never, as it proved, to return.

EXTRACT OF A LETTER FROM JAMES LOGAN TO HANNAH PENN.

Dated "Philadelphia, 11th, 3d mo., 1721.

"HONORED MISTRESS:"

"The Proprietor in a will left me at his departure hence gave all his negroes their freedom; but this is entirely private; however, there are very few left. Sam died soon after your departure hence, and his brother James very lately. Chevalier, by a written order from his master, had his liberty several years ago, so that there are none left but Sue, whom Letitia claims or did claim as given to her when she went to England, but how rightfully I know not. These things you can best discuss. She has several children. There are, besides, two old negroes quite worn, that remained of three that I recovered near eighteen years ago of E. Gibbs' Estate, of New Castle Co."

[WILL OF WILLIAM PENN.]

"Newcastle on Delaware, 30th 8br, 1701

"Because it is appointed for all men once to dye, and yt their days are in the hand of ye Almighty their Creator, I think fitt upon this present voyage to make my last will and testament, which is as follows.

THE CASE OF WILLIAM PENN, ESQ.

King Charles the 2d, by his Letters Patent, dated 1680, grants to William Penn, Esq., his heirs and assigns, a

Since my estate, both in England and Ireland, are either entailed or incumbred, my will is, that wh^{ch} is saleable, be sould for payment of my just Debts, and all my household stuff, plate, and linen, not given or disposed of to my children by their relations, and if there should be any overplus, that it goe equally between my son William and daughter Lætitia, as to my estate in Europe, be it Land, houses, or moveables, except my gold chain and meddall, w^{ch} I give to my son William; and except such estate as I had with or since I married this wife, for my estate in America, it is also incumbered, but not with the tenth part of the true vallue thereof—I mean of the Province of Pennsylvania and counties annexed—when that incumbrance is discharged, I give my son William all my sayd Province and Territorys, to him and his Heirs forever as Proprietary and Govern. But out of or rather in the sayd soyle thereof, I give to my daughter, Lætitia Penn, one hundred thousand acres, seaventy of w^{ch} out of or rather the sayd Province, and ten thousand acres out of or rather in each of the Lower Countys of the territorys.

I also give to my son John one hundred and fifty thousand acres, of w^{ch} one hundred thousand in the Province, and fifty thousand acres in the Lower Countys; and I also bequeath to him my tenth or Proprietary ship of Salem tenth or County, in West New Jersey, to my sayd son John and his heirs forever, with all rents, Proffits, and Interests therein.

I also will that the Childe my De: wife, Hannah Penn, now goes with, shall have one hundred thousand acres if a boy, a seaventy thousand if a Girle, in the Province aforesd; all which Land so given shall lye between Susquehanagh River and Delaware River, and to be taken up within twelve months after my death. If my encumbrances can be discharged in yt time, or so soon as they are; but so as that the sayd Lands be not above = 80 = miles above a due west line, to be drawn from Philadelphia to Susquehanah River, and to be layd out in ye way of townships, and to pay to my son William one silver shilling for every township of five thousand acres when taken up forever, in lieu of all demands and services, hereby requiring

tract of land in America, with all the islands therein contained, &c., as the same is therein described, whom he

my sayd son William to erect all or any part of ye aforesayd Lands into mannors, with due powers over their own Tennants, according to my sayd children's respective agreements with them, when they or any for them require the same.

I also give to my De: Wife five thousand acres of land as a token of my love, to be taken up as before exprest, and upon ye same acknowledgemt, and within ye sayd limits, in my Province of Pennsylvania,* to her and her heirs and assigns forever; and so I understand in my other afore-mentioned graunts to my children, viz., that I give to them and their heirs and assigns forever. I also leave my De: Sister and her children some token of my love, such as my wife shall think fit in memoriall of me. Also to her father and mother the like.

I give to my Servts, John and Mary Sach * * (the rest of this name is unintelligible), three hundred acres between them; to James Logan one thousand acres, and my blacks their freedom, as under my hand already; and to ould Sam 100 acres, to be his children's after he and wife are dead, forever, on common rent of one bushel of wheat yearly, forever,—for the performance of which I desire my loveing friends, Edward Shippen, Saml. Carpenter, Edward Penington, and James Logan, in America, or any three of them, and Benjamin Seal, Thomas Callowhill, Henry Goldney, Jos. Pike, in England, or any three of them, to see this my last will observed, and that I have right done me about my incumbrances, that my family suffer not by oppressive demands, but get me and myn righted in law and Equity. And I do hereby charge all my children, as their loveing dying father's last command and desire, that they never goe to law, but if any difference should arise, w^{ch} I would hope will not, that they be concluded by ye Judgment of frds, to be chosen by the meeting of sufferings of ye people called Quakers, in England, for English and Irish concerns; and in America, to ye frds of the quarterly meeting at Philadelphia, in Pennsylvania, for a final decision.

I do further ordain by this will, that what estate I here give to either or any of my children be never alienated from my family, for

* Penn, it will be perceived, spells this title indifferently, with a y and an i.—
EDITOR.

creates and constitutes true and absolute Proprietarys of the said county and premises, saving to his Majesty, his heirs and successors, their allegiance, and also the sove-

want of heirs of their own body; but that debt being payd, they may owe the rest to be inherited by ye next of blood of my Body and discent, and for want thereof, to my De: Sister and her Blood, in such manner as she shall appoint.

And now, if ever I have done a wrong to any, I desire their forgiveness; and for all ye good offices I have ever done, I give God, yt Enabled me, the honour and thanks; and for all my enemies, and their Evil reflections and reports and endeavours to ruine me in name and estate, I do say, ye Lord forgive them and amend them; for I have ever, from a child, loved the best things and people, and have had a heart, I bless the name of Allmighty God, to do good, without gain, yea sometimes for Evill and to consume my own, to serve others, w^{ch} has been my greatest burden and my infirmity: having a mind not only just but kinde, even to a fault, for it has made me sometimes hardly so just by means of debts thereby contracted, as my integrity would have made me.

And now, for all my good friends, that have loved and helped me, do so still, in my poor children, w^{ch} you can, and God Allmighty be to you and yours an ample reward. You have my hearty and gratefull acknowledgements and commemoration, who never lived to myselve from my very youth, but to you and the whole world in love and service. This I ordain to be (and accordingly is) my last will and testament, revoking all other.

Given under my hande and seal, the day and year above written.

WM. PENN."

Sealed and Delivered

in ye presence of

RICHD. HALLIWELL,

JOS. WOOD,

ROB. ASHETON,

JAMES LOGAN.

The interlineations were my writeing, they are twelve in number, the pages 7 * * * * *

(The rest of the sentence is lost).—EDITOR.

reignty of the said country. To hold to the said William Penn, his heirs and assigns, to the only use and behoof of him and them forever. To be holden of his Majesty, his heirs and successors, Kings of England, as of their Castle of Windsor, in free and common Soccage by Fealty only, and not in Capite, or in Knights service; yielding and paying two Beaver Skins yearly, and the fifth part of all Gold and Silver Ore, clear of all charges. Erects the said country into a province or seigniority, by the name of Pensilvania. With power to the said William Penn and his heirs, and to his and their deputies and lieutenants, for the good government of the said countrys, to ordain laws, &c., &c., by and with the advice of the Assembly, &c., &c. (reciting other powers.)

The said William Penn died about July, 1718, leaving his last will and testament, attested by six witnesses, viz. :

[Here follows a true copy of the will and codicil.]

Questions.

1. Is the Devise of the Government of Pensilvania to the two trustee Earls good; and if good, to whom doth the benefit of the trust belong.

2. Is the Devise of the Lands, &c., in Pensilvania, to Hannah Penn and the other Trustees good.

The devise of the government, &c., of Pensilvania, made by the testator, Mr. Penn, to the Earl of Oxford and Earl

Powlet, seems to be to compleat a treaty which he was at that time making with the Crown, whereby he was to have a considerable sum of money for the government; and the testator seems likewise to make a particular disposition of that money by his will, but it is plain he made none. The occasion of which may be, that the will was made in a hurry, and in the time of a desperate illness, as appears by the codicil. I am, therefore, of opinion, that the two Earls are trustees only for the heir at law, upon whom the government would devolve in case there had been no will. But as to the lands devised to the widow and her co-trustees in case the will be well proved, I take it to be a good devise, unless these lands or some quit-rents out of them be inseparably annexed to the government; and then such annexed lands or quit-rents will go with the government.

JO. HUNGERFORD.

31 Jan., 1718.

Questions.

1. Is the devise of the Government of Pensilvania to the two trustee Earls good; and if good, to whom doth the benefit of the trust belong.

2. Is the devise of the Lands, &c., to Hannah Penn and other trustees good.

I conceive the devise of the Government to the trustees and their heirs to be good, and the same to be in trust for

the heir of the devisee, and that the devise of the lands to Hannah Penn and the other trustees is also good.

FRA. ANNESLEY.

29 Jan., 1718.

Questions. — Same as above.

Upon perusing a copy of the Letters Patent, I am of opinion, that the Government thereby granted to Wm. Penn and his heirs, doth consist in the privileges and jurisdictions to them also thereby granted.

2. That the said government, privileges and jurisdictions, are thereby inseparably annexed to the real and predial propriety of the said province and seigniorie.

3. And wherefore, as to the will, I take it that the devise of the Government is void; the testator plainly intending thereby to sever it from the dominion of the land.

4. That for the same reason the devise of the land in Pensilvania to Hannah and the other trustees is also void; the plain intent being to alien the propriety distinct and apart from the Government, which agrees not, as I think, with the law and such Seignories.

5. If the devise of the Government shall be deemed good, yet the same being in trust to be disposed of for the best advantage, to be apply'd as the testator should afterwards by the will direct, and there being no such direction in the will, nor any express devise or bequest to William Penn, the testator's heir at law, I conceive the said trust

descends to him, and that he ought to have the advantage thereof.

G. SAVAGE.

24th Sept., 1718.

III. INSTRUCTIONS FROM WILLIAM PENN, JR.,
TO GOVERNOR KEITH.

Instructions to William Keith, Esq., Lieutenant Governor and Commander in Chief of the Province of Pensilvania and counties of New Castle, Kent, and Sussex, upon Delaware.

You are upon receiving these instructions immediately to call together the Council, and with them in the most public manner make known my accession to the government of the said province and counties, and assure the country of my great affection to them, and hearty wishes for their welfare, and that I shall always look upon their interest as my own. And I believe on this occasion it will be proper to read the late King Charles the Second's Letters patent to my late father, and their proprietor, and his heirs, publickly to the people. However, this I leave wholly to your's and the Council's prudence to do therein as may be thought most convenient, and for the honor of the Government.

I think it would be well done if the present members of Council be continued, for I would not have more alterations made in Government upon my accessions thereto than what are absolutely necessary.

If you can procure a militia to be settled by law, slip not the occasion of doing it. But as that country was

chiefly at first settled by Quakers, I would not have them oppressed on any account.

Protect the people under your care in all their Rights, Privileges, and Liberties my father granted them by charter or otherwise, or that they ought to enjoy as Englishmen.

Observe the law for liberty of conscience, which I take to be a fundamental one in Pensilvania; and was one great encouragement for the Quakers to transport themselves thither, and to make it what it now is, for which they merit the favor of my family, as well as on many other accounts, and shall always have it when in my power; and this I desire you will let that people know.

But as I profess myself to be a member of the Church of England, therefore I recommend it to you to be careful of her interest, and that you encourage and protect the clergy, and employ where you can deserving members of that communion; for I think they ought to have at least an equal share in the administration and public offices with their neighbors; and discountenance all Anti-Trinitarians and Libertines.

Protect in their possessions such Strangers as are settled amongst us; for the public faith is concerned in it.

Let the law be your guide in all cases; and protect the officers of the Customs in the discharge of their duty, and use the advice of the Council in all cases of importance.

Given under my hand and seal the fourteenth day of January, in the year of our Lord, 1718.

WM. PENN.

[Here follows the Commission to Governor Keith.]

IV. LETTERS FROM SIMON CLEMENTS

(UNCLE TO THE WIDOW OF WILLIAM PENN) TO JAMES LOGAN.

London, 30th December, 1718.

SIR,

Coming into the City this morning, my cousin Goldney tells me a Ship is just parting for New York, and that I should lose the opportunity of writing by her if I did not do it immediately. I would not, therefore, omit this occasion of letting you know that your letters with the copy of the act of Parliament came safe to my hands about a week since, but having sent them to my niece for her perusal, I am not now able to answer them in so particular a manner as I ought, and therefore must defer it till the next occasion. In the meantime I am very glad to find that you had so prudently provided for the succession of the government of the province before the late Governor's decease, as that the country can receive no prejudice for want of renewing the present Governor's commission, which has been delayed principally by reason of Mr. Penn's at first obstructing the proving his father's Will in the Prerogative Court, which, however, he has since consented to and 'tis done, and I have a duplicate of it ready, which I choose rather to send you by some ship that goes directly for your place than by this conveyance.

We are now also upon proving the will in Chancery, but there are some disputes yet subsisting between the

young gentleman and his mother-in-law, which they have mutually promised shall be settled by an amicable bill in Chancery, and until some few points are agreed between them which are in agitation, he delays giving his answer to the bill we have brought for proving the will, but as I have said before, there is no appearance but that all their differences will be adjusted in a friendly manner; and my niece will take the best advice she can for putting the management of the propriety into such a method, as that the trustees may act with ease and safety; and soon as conveniently, may be we shall endeavor to get the governor's commission renewed in due form.

I desired you in my first letter to transmit as exact an account as you could of the quit-rents and other revenues of the proprietary, and of what debts remain unpaid, &c., of which you have not been pleased to take any notice in your answer. Wherefore I must renew my request to you on that head, it being highly necessary at the time that those matters should be well understood. But above all, I must pray you to let me have by the first opportunity such an account of what the profits accruing to the governors (besides the gifts of the assembly) do amount to, *communibus annis*, as I may vouch and stand by, if there be occasion when I come to treat with the Ministers upon making good the contract for sale of the government, which I hope we may bring them to at long run. I am truly glad to find that your governor manages so much to the satisfaction of the people, and that that scandalous letter I hinted to you merited no more credit

than we gave it. I have no more to add at present, but that I am truly your assured friend and humble servant.

SIMON CLEMENTS.

Per the Samuel; Samuel Holmes, }
Master for New York.

THE SAME TO THE SAME.

London, March 6, 1718-19.

SIR,

The foregoing is a copy of what I writ you by way of New York, and I am now reviewing your two letters of the 1st and 4th of 9ber, that I may be more particular in my answer thereto than I could at that time, for want of having them by me.

I am sorry to observe that the affairs of the lower counties lie in so unsettled a posture, for which I see no remedy, but to wait with patience 'till we can find a favorable opportunity to move the Ministers to take some effectual resolutions for the adjusting all those dependencies. In order to which, I have long since formed a scheme, which I hope may prove acceptable to them; but their time and thoughts have been, and still continue to be, so much taken up in the many incidents that have happened in the publick affairs, that it would be in vain to make any application to them in these matters till they are more at leisure to hearken to them. In the meantime we have the satisfaction to see that they show no disposition to gratify the Scotch pretentions which

have been suspended this long time, and they have not been able with all their interest to get the Attorney General's report read in Council, though they have had it above a year and a half. I am glad to hear that your governor had come to some good understanding, at least for the present with Col. Hart, for quieting the contests touching the limits of Maryland. I was told that the young Lord Baltimore had determined to let that matter rest till he comes of age, and then I hope to find means to accommodate it with him, by the interposition of some friends to both sides; and the solid arguments for the support of my niece's interests, which you sent over some time since, and which I have read with a great deal of satisfaction, will abundantly instruct her friends in all that may be requisite for the management of that affair. I have very little acquaintance with Col. Gookin, and know as little of his conversation and pretensions. But whatsoever his inclinations may be, I believe neither you nor we have anything to apprehend from what he can do. You fear, I perceive, that the proprietors choice of trustees may prove to the prejudice of his family, but you know that at least, at that time, they were the fittest that could be thought on; and though they are since grown a little out of fashion, the using their names on this occasion can give no offence to those now in play. Great men lay no stress on such little things. I prepared a draught of a commission for those Lords to confirm your governor, by the authority devolved upon them, which I left several weeks since with Lord Oxford, to peruse and communicate to Lord Powlet, but I can't yet

get him to dispatch it. And you know we cannot be as pressing on men of their degree as we might on those of our own rank, but I shall continue my solicitation in it as I can find opportunity.

In the meantime I am glad that your own happy precaution has prevented the inconveniences that might have arisen from such delays which we were not able to remedy. The proprietor's will may indeed be said to have been made in haste as you guess: but it was dictated by his friend, Mr. West, though the blunders committed therein could not have been expected from a man of his accuracy. The truth is that he himself had laboured under a paralitick affection, from which he never recovered the use of his limbs one side, nor I believe at that time the strength of his capacity, though it were afterwards perfectly restored, and continued to the time of his death about six months since. But for the settling all things right my niece is, as I told you in my last, proceeding to get the Will proved in Chancery, and then she will be empowered to fix such trustees, as may effectually act in her affairs. In the mean it is happy that the trustees of the mortgage are sufficiently authorized to manage all that is requisite there; and though I am pleased to see that you have made some handsome remittances towards the lessening that debt, yet I can't think so well of the retaining the one-half of the money received for the lands sold Mr. Dickinson, touching which I writ you in my first letter, though you have not been pleased to say anything of it in your answer. I hope, however, the persons concerned will consider that all the power they have to sell lands is

from the mortgagees, and that 'tis to them they must be accountable for the produce, who alone, but nobody else, can discharge them. 'Tis plain also that the present Mr. William Penn can have no just pretensions to anything there but what had been actually settled upon him by his father, and certainly they must believe that those lands were not, or else they would never have presumed to sell them. I should, therefore, think that they would find themselves obliged to remit the remaining part of the money to the mortgagees, and leave it to us to dispute any pretensions thereon (for which I am yet well satisfied there can be no ground) that may be made here and which can in no wise affect them.

My niece and her son-in-law met several times whilst they were both in town, and mutually declared themselves desirous to cultivate the former friendship in the family, and to submit all their differences to be decided by a decree in the Court of Chancery, to be obtained with as little expense and contest as possible, and I believe they will take that way at last, though the young gentleman seems fickle and unconstant, and has been ready to fly out once or twice since, and is gone again to France without putting in his answer to the bill for proving the Will, which must, therefore, be at a stand till his return, which he pretends shall be in this or the next month. His agents talk as if he believes the Will has not sufficiently conveyed the power of government from him, and that he will send over a governor. But I should think either he has more discretion than to offer it in

earnest, or that he would not find anybody fool enough to go on such an errand ; at least I am confident that your governor will never yield up his authentick authority to any person who should come up with a sham one.

You need not doubt but that the lower counties are as effectually devised as the upper, for if the word "*Territories*," should not be thought sufficient to define, the addition "or elsewhere in America," cannot fail to comprehend them, which you will find to be the words of the Will, the office copy or probate whereof Mr. Page sends you over to keep by you.

I am glad to hear that the governor's good conduct has gained so much upon the affection of your people, which was what I expected from that observation which I had the opportunity to make of his prudence and temper in that little of his conversation which I had the honour to have (which I think was but twice) ; and having now written to you all that present occurs to me in relation to my niece's affairs, I think it would be needless for me to give him the trouble of a letter only with the bare (though true) compliment that his good management will always engage me to employ my best services for his interest.

Your letters will always be very acceptable to me, and though the distance I live at hinders me from knowing the times when ships are departing, and therefore you may find me not to be as punctual a correspondent, yet I shall take the liberty to write you sometimes as matters may offer for my nieces's service ; and if there be any-

thing wherein I could be serviceable to yourself you may always freely command.

Sir, Your assured Friend

and very Hble Servant,

S. CLEMENT.

Mr. Page has given me the Probate
of the Will; so it comes inclosed
herewith.

[Here follows a copy of the Probate of the Will.]